

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION



MARCELLUS THOMAS

Petitioner-Movant,

v.

UNITED STATES OF AMERICA

Respondent.

Civil Case No. 1:11-CV-1007

Crim. No. 1:08-CR-00003-WO-1

Hon. Judge Elizabeth Joi Peake ¹

**PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND
FILED REPLY & TRAVERSE TO GOVERNMENT'S RESPONSE**

NOW COMES, Marcellus Thomas, ("Thomas"), the Petitioner-Movant, Pro Se, sui juris, in this above styled case, and respectfully files this herein Reply & Traverse to the United States' Response to Thomas' Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C. § 2255; along with a Motion For Summary Judgment in his favor, as he is entitled to, as to his claims of Constitutional violations [Fifth, Sixth, and Fourteenth Amendment(s) to the U.S. Federal Constitution] and the violations of the Laws of the United States of America, as raised in his habeas petition, pursuant to Fed. R. Civ. P. 56; See 28 U.S.C. § 2255 (Granting relief and discharge of prisoner held in 'violation of the Constitution and laws of the United States').

In light of the facts, which the Government conceded on many and has also failed to give an answer or otherwise respond, which show and support Constitutional violations, this Court should GRANT §2255 motion and grant him IMMEDIATE RELEASE FROM CUSTODY. A Supporting Memorandum is Attached. Along with Affidavits & Counter-Affidavit(s).

1. "Joi Elizabeth Peake" (Honorable Magistrate Judge)

Respectfully Submitted, On This 23rd Day of May, 2012



MARCELLUS THOMAS, Pro Se
Fed. ID #23954-057 "C-Unit"
F.C.I. Ashland
P.O. Box 6001
Ashland, KY 41105

CERTIFICATE OF SERVICE

I, Marcellus Thomas, the Petitioner-Movant, do hereby certify that I have served a copy of the foregoing upon the counsel of the United States, by depositing the same foregoing into the mail systems at FCI Ashland, and by hand delivering the same to the Prison Official for mailing, via first class-certified mail, postage pre-paid, in the manner prescribed for legal mail, and sent to:

Mr. Harry L. Hobgood, NCSB # 6209
Assistant U.S. Attorney
UNITED STATES ATTORNEY'S OFFICE
MIDDLE DISTRICT OF NORTH CAROLINA
P.O. BOX 1858,
Greensboro, NC 27402

Done of This, 23rd Day of May, 2012



Marcellus Thomas. Pro Se.

AFFIDAVIT & DECLARATION OF FILING

"I, Marcellus Thomas, the undersigned, do declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge, information and belief, that I have filed this motion for summary judgment and Reply & Traverse on this May 23, 2012, and have on this day, delivered via first class mail, postage pre-paid-certified mail, the foregoing pleading, motion and document to the Prison Official(hand delivered) for mailing to the Court; along with a copy of the same to the Government.